

HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIXTY-01 ASSOCIATION OF APARTMENT
OWNERS, a Washington non-profit corporation,

Plaintiff,

v.

PUBLIC SERVICE INSURANCE COMPANY;
COMMERCIAL INDUSTRIAL BUILDING
OWNERS ALLIANCE, INC. (dba CIBA
Insurance Program; dba CIBA Insurance
Services); GREAT LAKES INSURANCE, SE;
ASPEN SPECIALTY INSURANCE
COMPANY; EVEREST INDEMNITY
INSURANCE COMPANY; FIRST
SPECIALTY INSURANCE CORPORATION;
IRONSHORE SPECIALTY INSURANCE
COMPANY; LIBERTY SURPLUS
INSURANCE CORPORATION; COLONY
INSURANCE COMPANY; and DOES 1-20,

Defendants.

NO. 2:22-CV-01373 JCC

STIPULATION FOR AND
[~~PROPOSED~~] ORDER OF
DISMISSAL OF CERTAIN
DEFENDANTS & CLAIMS

NOTE ON MOTION CALENDAR:
February 16, 2023

STIPULATION

IT IS HEREBY STIPULATED by counsel for the parties signing below that based on settlements that have been achieved between the parties, or resolutions that have otherwise been agreed to, the following claims may be dismissed with prejudice, and the following

STIPULATION FOR AND ORDER OF
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CLAIMS - 1
(NO. 2:22-CV-01373 JCC)

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1 parties may be dismissed from this case (some with prejudice and some without prejudice).

2 The specifics are as follows:

3 All claims related to the insurers (and property insurance policies) that insured
4 plaintiff Sixty-01 Association of Apartment Owners (“Association”) through the Commercial
5 Industrial Building Owners Alliance (“CIBA”) program for the periods of time commencing
6 on March 31, 2016 and March 31, 2017 have been settled and should be dismissed with
7 prejudice and without an award of costs. (This dismissal does not impact the Association’s
8 claims as to the insurers that issued property insurance policies through the CIBA program
9 for the period of time commencing on March 31, 2015 with respect to those property
10 insurance policies.)

11 The following defendants may be dismissed *with* prejudice and without an award of
12 costs because they did *not* insure the Association through the CIBA program for the period
13 of time commencing on March 31, 2015:

- 14 • Everest Indemnity Insurance Company;
- 15 • Swiss Re Corporate Solutions Capacity Insurance Corporation (formerly
16 known as First Specialty Insurance Corporation); and
- 17 • Colony Insurance Company

18 The following defendants¹ may be dismissed *without* prejudice and without an award
19 of costs because they *did* issue property insurance policies through the CIBA program for the
20

21 ¹ The Association intends to soon take steps to amend its First Amended Complaint
22 (Dkt. # 29) so as rejoin these insurers as defendants in relation to claims related to the
23 insurance provided through the CIBA program for the period of time commencing on
24 March 31, 2015. The Association will not merely seek to rejoin these insurers as defendants,
but will also seek to join as defendants other insurers who provided insurance through the
CIBA program for the period of time commencing on March 31, 2015. The Association

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period of time commencing on March 31, 2015, under which the Association is seeking insurance coverage:

- Aspen Specialty Insurance Company (who never formally appeared);
- Ironshore Specialty Insurance Company; and
- Liberty Surplus Insurance Corporation.

Finally, defendant Commercial Industrial Building Owners Alliance, Inc. may be dismissed *without* prejudice and without an award of costs based on an agreement reached between the Association and CIBA.

Plaintiff's claims remain intact against (1) defendant Public Service Insurance Company; and (2) Great Lakes Insurance, SE (and the insurance provided through the CIBA program for the period of time commencing on March 31, 2015).

DATED this 16th day of February, 2023.

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intends to do this after defendant PSIC's motion to dismiss the Association's First Amended Complaint (Dkt. # 40) has been resolved by the Court.

STIPULATION FOR AND ORDER OF
DISMISSAL OF CERTAIN DEFENDANTS &
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(NO. 2:22-CV-01373 JCC)

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Corporation (formerly known as First
Specialty Insurance Corporation)

ORDER OF DISMISSAL

This matter came before the Court on the parties' stipulation for dismissal. On the basis of the parties' above stipulation, the Court:

1. Dismisses *with* prejudice and without an award of costs:

- a. All claims related to the Association's insurance through the CIBA program for the periods of time commencing on March 31, 2016 and March 31, 2017;
- b. Everest Indemnity Insurance Company;
- c. Swiss Re Corporate Solutions Capacity Insurance Corporation (formerly known as First Specialty Insurance Corporation); and
- d. Colony Insurance Company.

2. Dismisses *without* prejudice and without an award of costs:

- a. Aspen Specialty Insurance Company;
- b. Ironshore Specialty Insurance Company;
- c. Liberty Surplus Insurance Corporation; and
- d. Commercial Industrial Building Owners Alliance, Inc.

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STIPULATION FOR AND ORDER OF
DISMISSAL OF CERTAIN DEFENDANTS &
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DATED this 17th day of February 2023.

A handwritten signature in black ink, appearing to read "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

STIPULATION FOR AND ORDER OF
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24 STIPULATION FOR AND ORDER OF
DISMISSAL OF CERTAIN DEFENDANTS &
CLAIMS - 6
(NO. 2:22-CV-01373 JCC)

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Counsel for Defendant Swiss Re

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Corporation (formerly known as First

Specialty Insurance Corporation)

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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21 The foregoing is true and correct to the best of my knowledge and belief.

22 Dated this 16th day of February, 2023, at Seattle, Washington.

23 s/ Teresa MacDonald
24 _____
Teresa MacDonald